

The Council of the City of Fresno, California, met in regular session in the Council Chambers, City Hall, at the hour of 8:30 a.m. the day above written:

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia A. Sterling	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Acting Council President
	Henry T. Perea	Council President

Andrew T. Souza, City Manager
James C. Sanchez, City Attorney
Rebecca E. Klisch, CMC, City Clerk
Erika Black, Deputy City Clerk

Councilmember Dages gave the invocation, and President Perea led the Pledge of Allegiance.

Presentation of SPCA Pet of the Month – Councilmember Dages

Laid over one week.

APPROVE MINUTES OF MARCH 27, 2007

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of March 27, 2007, hereby approved as submitted.

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COUNCILMEMBER REPORTS AND COMMENTS

(1) Councilmember Duncan stated he, President Perea and Councilmember Sterling sent a letter to Supervisor Waterston about a month ago, inviting the County Board of Supervisors to participate in a joint meeting regarding homelessness; announced he was pleased after speaking with Mr. Waterston regarding the issue; stated there would be a joint meeting in the near future. (2) Questioned City Manager Souza whether he could submit a tray memo regarding administration policy in regards to developing and building public works projects as opposed to traditional methods; expressed contractor concerns with the City micromanaging projects that add to delays and costs, with Mr. Souza responding. (3) Concerned with Roeding and Woodward Park crowds full to capacity during Easter and other holidays; advised he would like to see a policy regarding park use to guarantee Fresno residents have the opportunity to get the best spot.

(1) Councilmember Dages advised agreement was made with San Joaquin Valley Railroad to repair the crossings, starting with Peach Avenue at the California alignment in March 2007; stressed no progress has been made; advised the railroad signed the agreement and should be aware of the terms (2) Advised City Attorney Sanchez Willows Mobile Home Park is in violation of rent control; advised he had a file of complaints regarding the rent control ordinance, which raised the rent 10 percent when someone moves out, however the rents are being raised at a higher rate; stressed this is not minor and needs to be looked into, with Mr. Sanchez responding and Mr. Dages gave him the file.

(1) Councilmember Sterling congratulated the Fresno Grizzlies on opening night; advised she caught one of the "Win Grizzlies" balls; advised the stadium was a fantastic place to be. (2) Questioned City Manager Souza regarding the status of the continuum of care scheduled to come back in March and their presentation of their 10-year plan regarding homelessness, with Mr. Souza responding. (3) Advised 10 by 10 committee made their final presentation to Mayor Autry and announced she will present the report at the May 1st Council meeting.

(1) Councilmember Calhoun expressed concern with overcrowding in parks; concerned half the cars could not get in the park, illegal parking at the Fresno Heart Hospital; concurred with Councilmember Duncan regarding it getting worse every year; concerned with people parking on the grass and on private property. (2) Questioned City Attorney Sanchez regarding Hotel Fresno; felt strongly nothing good would come of that hotel; advised the City needs to take a position and take action; advised he was prepared to go the eminent domain route, with Mr. Sanchez responding.

Acting President Xiong questioned City Manager Souza regarding a boundary policy and the residents' reactions to the changes to the Council boundaries, with Mr. Souza responding.

(1) President Perea thanked the Parks Department for their work at Romain Park, with the new skate park; advised City Manager Souza he had the opportunity to see a science mobile lab; encouraged Parks to put more in their budget this year due to their popularity. (2) Advised parks are overflowing and commented on the lack of green space for the amount of people in Fresno; advised Mr. Souza to give periodic updates regarding this issue.

Councilmember Westerlund thanked the City crews and the partnership with San Joaquin Valley Railroad in concrete planking at 4 intersections; advised Shields Avenue at Cedar is completed; thanked staff, Redevelopment Agency and colleagues on funding the project; advised the other two will be done in the next couple of weeks

APPROVE AGENDA

City Clerk Klisch stated there was one correction to the title of the item scheduled for 10:35 a.m. #2; advised the name of the company should read, "World, Water & Power," not "Waterworld & Power Corporation." Ms. Klisch advised she would make a brief announcement prior to the adoption of the consent calendar.

Councilmember Sterling expressed concerns with the 2:00 p.m. workshop item due to the lack of material; advised she wanted to be better prepared for the presentation and discussion, with City Manager Souza responding. Mr. Souza stated it was merely an informational presentation on Kronos and Cognos, and added no action would be taken. Ms. Sterling expressed frustration and advised even a little information would be useful, and Acting President Xiong concurred.

On motion of Acting President Xiong, seconded by Councilmember Duncan, duly carried, RESOLVED, the 2:00 p.m. – 5:00 p.m. Workshop on Department presentations tabled to April 24, 2007, by the following vote:

Ayes	:	Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	Calhoun
Absent	:	None

Councilmember Dages requested the 10:35 a.m. #2 item be continued for two weeks.

A motion to continue the 10:35 a.m.#2 item for two weeks was acted upon after brief discussion.

Councilmember Westerlund questioned Assistant City Manager Ruiz in regards to timing issues related to possibly continuing this item, with Mr. Ruiz responding. Mr. Ruiz advised it is a critical item and timing is also critical. Director of Aviation Widmar advised it is a time sensitive issue; advised they've been working on it since November or late December, to ensure the project is precise and very accurate; stressed the presentation to the Council was delayed due to these factors and now time constraints brought them to this point where they need to meet with PG&E to remain in the current programs; urged the Council to hear him out at 10:35 a.m.; advised it is a wonderful project for the City and of the risks involved if not moved forward. Councilmember Westerlund urged his colleagues not to approve the continuance in order to not jeopardize the project. Mr. Souza advised there are timing and financial constraints, and the item should have the opportunity to be heard.

A motion of Councilmember Dages to continue the 10:35 a.m. #2 item for two weeks died due to lack of a second.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the agenda hereby approved as amended, by the following vote:

Ayes	:	Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	Dages
Absent	:	None

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ADOPT CONSENT CALENDAR

City Clerk Klisch announced 1D contained a typographical error in the staff report and acceptance resolution. She advised the reference to \$169,800 should be corrected to read \$166,200; City Attorney's Office will work with the Public Works Department to revise the acceptance resolution, and the item should be presented as corrected.

Councilmember Sterling advised she would like to register a "no" vote on item 1J and requested to pull item 1K.

Councilmembers Westerlund and Calhoun requested to pull item 1M.

A. * RESOLUTION NO. 2007-130 - 16TH AMENDMENT TO THE FY07 SALARY RESOLUTION 2006-257 TO PROVIDE CERTAIN BENEFITS TO NON-REPRESENTED EMPLOYEES IN UNIT 02 – PERSONNEL SERVICES DEPARTMENT

1. APPROVE AN APPENDIX TO THE CITY OF FRESNO RETIREE HEALTH REIMBURSEMENT ARRANGEMENT

B.* RESOLUTION NO. 2007-131 - 15TH AMENDMENT TO THE FY07 SALARY RESOLUTION 2006-25-MODIFYING THE CLASSIFICATION OF BUS MECHANIC I – PERSONNEL SERVICES DEPARTMENT

C. * RESOLUTION NO. 2007-132 - 66TH AMENDMENT TO AAR NO. 2006-253 APPROPRIATING \$160,000 IN CONVENTION CENTER PARKING GARAGE BOND PROCEEDS TO PROVIDE FUNDS FOR THE COMPLETION OF THE PROJECT THAT WAS PREVIOUSLY APPROVED BY COUNCIL (REQUIRES 5 AFFIRMATIVE VOTES) – PUBLIC WORKS DEPARTMENT

- D. * RESOLUTION NO. 2007-133** – APPROVING THE APPLICATION FOR AND ACCEPTANCE OF TWO SAFE ROUTES TO SCHOOL GRANTS IN THE AMOUNT OF \$327,600 FOR THE INSTALLATION OF A FLASHING BEACON, BIKE LANE, CURB, GUTTER AND SIDEWALK IN THE PROXIMITY OF TEAGUE AND HIDALGO ELEMENTARY SCHOOLS, WITH TOTAL PROJECT COSTS OF \$530,200 – PUBLIC WORKS DEPARTMENT
- 1. * RESOLUTION NO. 2007-134** – 68TH AMENDMENT TO AAR NO. 2006-253 APPROPRIATING \$327,600 IN SAFE ROUTES TO SCHOOL PROGRAM GRANT FUNDS, \$125,000 IN LOCAL AGENCY FUNDS AND RECOGNIZING \$77,600 IN ADDITIONAL MEASURE C REVENUE TO INSTALL SIDEWALK AND CURB RAMPS NEAR HIDALGO AND TEAGUE ELEMENTARY SCHOOLS **(REQUIRES 5 AFFIRMATIVE VOTES)**
- E. *** APPROVE AMENDMENT NO. 3 TO CONTRACT FOR THE TRANSPORTATION AND TREATMENT OF PINEDALE PUBLIC UTILITY DISTRICT SEWAGE – DEPARTMENT OF PUBLIC UTILITIES
- F.** ACCEPT ANNUAL REPORT FROM CALCOT, LTD., UNDER DEVELOPMENT AGREEMENT – PUBLIC WORKS DEPARTMENT
- G. *** AWARD A CONTRACT IN THE AMOUNT OF \$309,100, TO LOUIS R. AVILA, DBA L & K EQUIPMENT FOR THE RECONSTRUCTION OF CEDAR/NORTH AVENUE INTERSECTION, LOCATED IN COUNCIL DISTRICT NO. 3 – PUBLIC WORKS DEPARTMENT
- H. *** AWARD A CONTRACT TO GRANITE CONSTRUCTION COMPANY IN THE AMOUNT OF \$204,718 FOR THE INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 46, LOCATED IN COUNCIL DISTRICT NO. 4 – DEPARTMENT OF PUBLIC UTILITIES
- I. *** AWARD A CONTRACT TO CENTRAL VALLEY ASPHALT IN THE AMOUNT OF \$249,572.40 FOR THE INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 70, LOCATED IN COUNCIL DISTRICT NO. 7 – DEPARTMENT OF PUBLIC UTILITIES
- L. *** AWARD A CONTRACT TO WEST VALLEY CONSTRUCTION COMPANY FOR RESIDENTIAL WATER SERVICE TRANSFERS IN THE AMOUNT OF \$177,017 – DEPARTMENT OF PUBLIC UTILITIES

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above listed Consent Calendar items hereby approved as submitted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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- J. *** AWARD A CONTRACT IN THE AMOUNT OF \$294,718.18 TO WITBRO INC. DBA SEAL RITE PAVING AND GRADING FOR THE INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 98, LOCATED IN COUNCIL DISTRICT NO. 1 – DEPARTMENT OF PUBLIC UTILITIES

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above listed Consent Calendar item, hereby approved as submitted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Westerlund, Xiong, Perea
Noes	:	Sterling
Absent	:	None

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(1-K) *APPROVE PROFESSIONAL SERVICES AGREEMENT WITH PROVOST & PRITCHARD ENGINEERING GROUP, INC., FOR \$1,831,500 FOR ENGINEERING DESIGN, ENVIRONMENTAL SERVICES, AND RIGHT-OF-WAY ACQUISITION SERVICES, FOR THE CONSTRUCTION OF A RAW WATER PIPELINE TO CITY'S SURFACE WATER TREATMENT FACILITY – DEPARTMENT OF PUBLIC UTILITIES

1. * RESOLUTION NO. 2007-135 – APPROVE THE REALLOCATION OF \$1,022,500 FROM VARIOUS WATER CAPITAL PROJECTS WITHIN THE WATER ENTERPRISE FUND TO PROVIDE ADDITIONAL APPROPRIATIONS FOR THE PROFESSIONAL SERVICES AGREEMENT

Councilmember Sterling advised there was too much money involved for the item to be placed on the consent calendar and requested an explanation, with Water System Manager Martin responding. Mr. Martin gave a brief overview of the project involving issues such as storm drainage problems, contamination, and directly treating water for potable consumption. He advised there were five significant events to shut down the surface water treatment plant; stated the master plan included the elimination of a 66 inch pipe, head works to the dam near Millerton Lake; advised it was a \$32 million investment, the pipeline would allow 365 days a year, and the City would have more control over the water supply, it would be more efficient to have a system the City can control, stating it was a huge asset to our water system. Brief discussion ensued. Ms. Sterling questioned who would pay for it and Mr. Martin responded they already received a \$500,000 grant from the Environmental Protection Agency (EPA).

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the professional services agreement with Provost & Pritchard Engineering Group, Inc., hereby approved as recommended, and the above entitled Resolution No. 2007-135 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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M. * AUTHORIZE CITY MANAGER TO NEGOTIATE AND ENTER INTO A \$170,552 CONTRACT WITH QUAD KNOFF FOR ENGINEERING AND DESIGN PROJECTIONS FOR THE DOWNTOWN RIVERWALK FEASIBILITY STUDY – ECONOMIC DEVELOPMENT DEPARTMENT

Councilmember Westerlund expressed concerns regarding payment and how the costs were increased to \$88,000. Discussion ensued with Assistant City Manager Ruiz, Economic Development Manager Bowness, City Attorney Sanchez, and City Manager Souza responding. Mr. Ruiz advised of the urban planner hired for the feasibility study, the trip to Oklahoma City, additional unanticipated costs, the 60-day plan to finish the study and bring it back to Council, also providing a downtown area study and downtown transportation plan. He advised if they had known it would cost more than \$50,000, it would have been brought back to the Council. Councilmember Westerlund questioned Mr.

Sanchez about procedure. Upon question, Mr. Souza stated there was also a past due bill with Quad Knopf. Ms. Bowness gave a brief overview of the project involving a transportation study group, Sportstown on Kern Street, possible entertainment district, visual river access to the riverwalk and a request to bring the item back in 60 days to show what it could look like. **(2-0)** She advised of the costs of the feasibility study, economic study, and \$20,000 for Kosmont's bill taken out of their budget. Upon question by Councilmember Westerlund, Ms. Bowness advised the issue had been discussed for a long time and the data needs to be brought before the Council. Councilmember Westerlund expressed concern with copying what other cities were doing, as opposed to determining what Fresno represents.

Councilmember Calhoun advised his main concern was that Quad Knopf was involved in this project; expressed concern regarding a last minute rush to judgment, and advised he would not support this item. Councilmember Duncan stressed the need for the item to move forward.

A motion to approve staff recommendation was acted upon after brief discussion.

Councilmember Sterling noted it takes time to complete beneficial projects and even though mistakes were made, they need to look at the universal plan in order for Fresno to have big presence, be competitive and move forward. She advised there were risks involved in delaying this project; stated Fresno was on its way to becoming a national city on the map, and stressed the 10 by 10 committee report addresses affordable housing that will blanket the community.

Acting President Xiong thanked Mr. Ruiz and Ms Bowness for their candidness on this issue, and questioned Mr. Ruiz for clarification on whether or not the riverwalk is a constant. Mr. Ruiz clarified the issue and expressed optimism for an integrated plan to be presented within the next 60 days; noted Peter Calfor, internationally known for urban design, has been brought in by Forest City and he adds excitement to the project.

President Perea spoke in support of additional expenses and questioned the amount for onsite visit costs, and Mr. Ruiz added the individual departments paid for travel costs, adding this is not unusual to have as part of the contract. Upon question by President Perea, Mr. Ruiz made clarifications and advised it was a new expense. President Perea expressed concern regarding the travel portion.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the City Manager hereby authorized to negotiate and enter into a \$170,552 contract with Quad Knopf for engineering and design projections for the downtown riverwalk feasibility study, by the following vote:

Ayes	:	Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	Calhoun
Absent	:	None

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(9:00 A.M.) PUBLIC COMMENT PERIOD – UNSCHEDULED COMMUNICATION:

Paula Savino, 7449 N. Mansionette Drive, stated her concerns with animal abuse related to dogs and advised tethering still occurs. President Perea concurred and Councilmember Calhoun strongly encouraged her to contact SPCA Director Norm Minson.

Jose Luis Barraza, ADA Advisory Committee, gave a brief update upon request of Councilmember Dages and President Perea regarding concerns three years ago; stated as of February, the ADA Advisory Committee exists within Fresno County, and stated he hoped it would bridge the gap between the Board of Supervisors and the City Council.

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(9:15 A.M. "A") RESOLUTION NO. 2007-136 - OF THE MAYOR AND THE COUNCIL OF THE CITY OF FRESNO PROCLAIMING THEIR OPPOSITION TO CA SB 931 AND PROCLAIMING THEIR SUPPORT FOR ENABLING LEGISLATION THAT WILL CREATE A "LEVEL PLAYING FIELD" FOR APPLICATIONS APPLYING FOR PROPOSITION 84 FUNDS – COUNCILMEMBERS CALHOUN AND STERLING

Upon request of Councilmember Calhoun, Tom Lang, Executive Director of Aquarius Aquarium Institute, gave a brief overview of the project; advised it received unanimous support from the Planning Commission; stated he hoped to receive state grant funding to supplement grant funding already received and advised they endorsed Proposition 84 before it passed due to assumptions funds would be disbursed to this area. Mr. Lang read a short excerpt from Proposition 84; advised 53.9% of voters passed Proposition 84; advised they wanted to compete for these funds so Fresno's voice can be heard in Sacramento prior to action taking place and added this Council could take a stand on these issues, and requested unanimous support of the project.

Councilmember Calhoun advised it was a visionary plan and spoke to the integrity of Mr. Lang and his vision.

A motion to approve was acted upon after brief discussion.

Upon call, no one wished to be heard and President Perea closed the hearing.

Councilmember Westerlund thanked Councilmember Calhoun for bringing this item forward and also for receiving a copy of State Senate Bill 931; **(3-0)** adding there is ambiguity in the law.

President Perea stated now is the time to lobby Capitol Hill; advised Fresno is not on the map in regards to transportation funds; stated Fresno County projects were skipped, more projects were funded in the Los Angeles and Bay areas due to political power and being more organized and expressed concern with getting our fair share of funding. President Perea stressed the need to put a coalition together to increase lobbying efforts.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2007-136 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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(9:15 A.M. "B") REQUEST STAFF TO INSTALL AND MAINTAIN TWO TEMPORARY PORTABLE RESTROOMS AND A TRASH DUMPSTER AT THE HOMELESS CAMP UNDER THE MONTEREY STREET OVERPASS ON "H" STREET AT THE SOUTHERN PACIFIC TRACK – COUNCILMEMBERS DUNCAN AND STERLING

Councilmember Duncan thanked Council for consideration of this request; advised it was a simple issue due to the lack of basic facilities; stated it created a health hazard due to individuals not having a place to relieve themselves; advised complaints were received by business owners and residents; advised they just wanted an option for these individuals; stated the memo received from the Police Department brings up excellent points; expressed concern for the lack of solutions or alternatives in the memo; stated the area needed to be kept clean, and of the health issues involved; requested the City Manager to allow for facilities needed and to create a community plan to improve the appearance of the downtown area.

Councilmember Sterling thanked Councilmember Duncan and the administration for their support in working with her to alleviate this concern; advised the concern was brought to their attention in a very public way; stressed they cannot turn their back on the homeless population; commended several agencies for their assistance with the homeless; advised concerns such as needles on toilet seats and burned seats existed two years ago and added the homeless community did not have a voice then as they do now; stated this action would lay the groundwork to do what is right now that Fresno County is on board; stressed the weather was more intense with the freeze and the heat as opposed to two years ago; stressed the problem needed to be alleviated and thanked those in support of the process.

A motion to approve was acted upon after extensive discussion.

Mike Rhodes, 4773 N. Arthur, and Sara Hedgpeth-Harris, spoke in support of the motion.

Upon call, no one else wished to be heard and President Perea closed public testimony.

Councilmember Westerlund advised he cannot support the motion due to the bathrooms being unmonitored, abused, utilized for prostitution and hypodermic needles; stated he spoke with Jim Connell from the Poverello House, and a solution to the problem was necessary, adding he had real concerns with the bathrooms not being monitored.

City Manager Souza requested clarification of the agenda item, with City Attorney Sanchez responding. Mr. Souza advised he spoke with Mayor Autry regarding this item, and stated the Mayor had serious concerns about sending a message condoning an unhealthy lifestyle and added they are probably not inclined to move forward with this item.

Councilmember Sterling spoke at length pertaining to discussions held and no action being taken regarding the homeless population, Fresno County having the funds and those funds not being disbursed to provide a solution; advised there are negative events that occurred but times have changed; stressed the positive factors such as graduating from Tent City to tough sheds; advised they had a responsibility to do something now; stated all they were asking for was two toilets and a dumpster, not to solve the homeless problem; advised disease rate will increase; stressed they need to hold the County accountable; stated she spoke with Captain Belluomini and respectfully disagreed with him and stated the Police Department would not be required to monitor the bathrooms.

Councilmember Duncan questioned Captain Belluomini as to where the homeless were supposed to relieve themselves and Captain Belluomini responded, adding there would be more calls for service if bathrooms were placed there.

Acting President Xiong thanked his colleagues for the discussion; stated it was definitely an issue; concurred the memo stated facts and gave no solutions; advised the bathroom issue was still there and health issues still exist; adding he would support the item because he felt it needed to be addressed.

Councilmember Dages requested clarification from City Attorney Sanchez regarding whether the subject was moot, and if Councilmembers Sterling and Duncan could pay for the toilets in their individual district budgets. Mr. Sanchez responded he would want to review it prior to implementation due to liability issues. **(4-0)** Discussion ensued involving potential options available.

Upon question of President Perea, Mr. Souza stated if the item passed unanimously he would not make it a policy; advised Councilmembers Duncan and Sterling to change the motion from a request to a direction and let it go through the legislative process.

Councilmember Duncan advised his goal was for Council to make a statement and work with the Mayor, rather than fight him; advised he already had a draft resolution from the City Attorney's Office to enforce it, but chose to create discussion amongst the Council on the issue, and added they were prepared to place it on the agenda for next week.

Mr. Sanchez clarified the resolution would not be able to be voted on at this time because It would have to be identified as direction.

President Perea advised it would be on the agenda next week, in addition to the resolution, noting the real discussion will be next week.

Mr. Souza responded to earlier comments by stating Mayor Autry had been on the record since last summer in opposition, and stated based on discussions with Mayor Autry and Police Chief Dyer he would not implement the request.

Councilmember Westerlund questioned Councilmembers Duncan and Sterling regarding actions taken to monitor the bathrooms and what options were available. Councilmember Duncan advised he met with representatives from the Poverello House and they were neutral on the issue; advised he was not proposing 24-hour security or monitoring by the Police Department; stated he was convinced there would be a lot of people observing the area, and stressed he had no problem bringing it back to the Council if issues arose.

Councilmember Westerlund reiterated he would not support the motion without monitoring of the facilities. President Perea stated it would be heard next Tuesday and Councilmember Duncan invited all councilmembers to bring their ideas forward next week to alleviate the situation.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, **RESOLVED**, staff hereby requested to install and maintain two temporary portable restrooms and a trash dumpster at the homeless camp under the Monterey Street overpass on "H" Street at the Southern Pacific track, by the following vote:

Ayes	:	Calhoun, Duncan, Sterling, Xiong, Perea
Noes	:	Dages, Westerlund
Absent	:	None

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10:00 A.M. #1 HEARING TO ADOPT A RESOLUTION TO VACATE A PORTION OF YALE AVENUE WEST OF WEBER AVENUE, LOCATED IN COUNCIL DISTRICT NO. 1 – PUBLIC WORKS DEPARTMENT

1. * RESOLUTION NO. 2007-137 – ORDERING THE VACATION OF A PORTION OF YALE AVENUE WEST OF WEBER AVENUE

President Perea announced the time had arrived to consider the issue and opened the hearing. Supervising Engineering Technician Polsgrove advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to speak and President Perea closed the hearing.

On motion of Acting President Xiong, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above-listed Resolution No. 2007-137 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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10:00 A.M. #2 HEARING TO ANNEX FINAL TRACT NO. 5482 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 16 (*PROPERTY LOCATED IN DISTRICT 5*) – PUBLIC WORKS DEPARTMENT

- A. RESOLUTION - ANNEXING TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 11 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- B. RESOLUTION - CALLING SPECIAL MAILED-BALLOT ELECTION**
- C. RESOLUTION - DECLARING ELECTION RESULTS**
- D. * BILL - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2006-2007 AND FUTURE TAX YEARS WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 16**

President Perea announced the time had arrived to consider the issue and opened the hearing. Traffic Engineering Manager Mozier advised the developer was not able to deliver special election ballots to the City Clerk's Office; requested it be continued to April 17, 2007.

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the above-listed hearing continued to April 17, 2007, at 10:15 a.m., by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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10:15 A.M. HEARING TO ADOPT A RESOLUTION TO VACATE A PORTION OF THE CLINTON-TERRACE ALLEY EAST OF BLACKSTONE AVENUE (*PROPERTY LOCATED IN DISTRICT 7*) – PUBLIC WORKS DEPARTMENT

- 1. * RESOLUTION NO. 2007-138 – ORDERING THE VACATION OF A PORTION OF THE CLINTON-TERRACE ALLEY EAST OF BLACKSTONE AVENUE**
1015

President Perea announced the time had arrived to consider the issue and opened the hearing. Supervising Engineering Technician Polsgrove advised the report as submitted was complete and there was no new information to add.

Bill Robinson, Sol Development Associates, representing the applicant, stated they will redirect the alley to make way for the new Walgreen's and requested approval.

Upon call, no one else wished to speak, and President Perea closed the hearing.

On motion of President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above listed Resolution No. 2007-138 hereby adopted by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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10:30 A.M. TEFRA HEARING REGARDING MATTERS CONCERNING A CERTIFICATE OF PARTICIPATION FINANCING FOR COMMUNITY MEDICAL CENTERS SYSTEM – FINANCE DEPARTMENT

1. TEFRA PUBLIC HEARING AS REQUIRED BY SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986 (AS AMENDED) TO HEAR AND CONSIDER INFORMATION CONCERNING A PROPOSED FINANCING BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$350 MILLION, INVOLVING THE PROPOSED EXECUTION AND DELIVERY OF CERTIFICATES OF PARTICIPATION FOR THE BENEFIT OF COMMUNITY MEDICAL CENTERS SYSTEM ENTITIES WHICH COLLECTIVELY OPERATE AS COMMUNITY MEDICAL CENTERS

2. RESOLUTION NO. 2007-139 – APPROVING THE CERTIFICATE OF PARTICIPATION FINANCING FOR COMMUNITY MEDICAL CENTERS SYSTEM

President Perea announced the time had arrived to consider the issue and opened the hearing.

City Attorney Sanchez advised of a conflict with this item due to his spouse working for the hospital and recused himself. Upon question, Assistant City Attorney Hale recommended Councilmember Calhoun recuse himself, due to his wife working for Community Hospitals, whereupon Councilmember Calhoun left the dais at 11:13 a.m.

Assistant Controller Bradley gave a brief overview of the project; advised a public hearing was needed prior to implementation, and advised various individuals were available to answer questions.

Upon call, no one wished to be heard and President Perea closed the hearing.

Councilmember Westerlund questioned Ms. Bradley and John Stoecker, California Municipal Finance Authority, regarding amount of times the CMFA was utilized and whether the \$350 million is part of the aggregate.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above listed Resolution No. 2007-139 hereby adopted, by the following vote:

Ayes	:	Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None
Recused	:	Calhoun

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**10:35 A.M.#1 HEARING TO CONSIDER VESTING TENTATIVE TRACT MAP NO. 5710/UGM,
CANCELLED DUE TO WITHDRAWAL OF APPEAL (PROPERTY LOCATED IN DISTRICT 1) –
PUBLIC WORKS DEPARTMENT**

Cancelled as noted.

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**10:35 A.M.# 2 “A” APPROVE SOLAR PHOTOVOLTAIC GENERATING SYSTEM PROJECTS AT
FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT WITH WORLD WATER & POWER
CORPORATION, MAKING RELATED FINDINGS AND AUTHORIZE EXECUTION OF DOCUMENTS –
AIRPORTS DEPARTMENT**

Councilmember Calhoun returned to the meeting at 11:23 a.m. Director of Aviation Widmar gave a brief powerpoint presentation and overview of the project, and advised Larry Slomenski and his team were available for questions. Mr. Widmar continued the presentation, and advised of the risks to the City for delaying the project.

A motion to approve was acted upon after brief discussion.

Mr. Slomenski stressed their commitment to Fresno and the Central Valley; advised this was the best market in the United States for solar power; stressed their commitment to solar energy and working with local solar companies; advised they want to work with IBEW and the solar contractors; advised timing was critical; stated the company was currently in the best position they could be; **(5-0)** stated demand exceeds supply, and concluded, stating it was important to move forward with the project.

Leon Woods, World Water & Power Corporation, advised this is a progressive decision and they are 100% committed to this project, adding IBEW was a partner.

Michael Stein, 3643 E. International, requested a slight delay due to not having enough information for the IBEW and requested more time to speak with the company.

Upon call, no one else wished to speak, and President Perea closed the hearing.

Councilmember Dages stressed the project cannot be delayed and he did not want to jeopardize this project; stated he was confident concerns would be addressed; expressed his faith in the company and Mr. Widmar; stated he would support the item, and noted his concern with receiving the item late.

Councilmember Westerlund questioned Mr. Widmar regarding location #1, whether the panels were on the ground or lifted up, with Mr. Widmar and Mr. Slomenski responding. Discussion ensued regarding median island issues, Worldwater fencing the property on the east side of Clovis Avenue, concern regarding the approach, maintenance concerns, reflections, and potential interference with pilots' operations. Councilmember Calhoun left the meeting at 11:55 a.m. Acting President Xiong questioned Mr. Widmar regarding Mr. Stein's concern, and Mr. Widmar advised Mr. Stein requested documents Council had not seen yet and he did not feel it was appropriate to hand those out. Councilmember Duncan complimented Mr. Widmar on bringing this item forward, stated the fixed rate was unusual and the benefit to City is extraordinary.

President Perea stated this was a way to separate Fresno from other cities; advised sitting on the Air board helped him understand C02 issues; stated the green building policy adopted last year was a start; advised Councilmember Calhoun does support this project, but was absent due to his teaching obligation.

City Attorney Sanchez advised approval was contingent upon CEQA approval.

On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, the solar photovoltaic generating system projects at Fresno Yosemite International (FYI) Airport with World Water & Power Corporation hereby approved, related findings hereby made and staff hereby authorized to execute the required documents, by the following vote:

Ayes	:	Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	Calhoun

* * * * *

(11:00 AM.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

A. HEARING REGARDING EMINENT DOMAIN, PROPERTY LOCATED AT 505 AND 525 "N" STREET ("CALTRANS BUILDING") (CONTINUED TO 3:00 P.M. ON APRIL 17, 2007)

Continued as noted.

ADJOURNMENT

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There being no further business to bring before the City Council, the hour of 12:18 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

Approved on the _____ day of _____, 2007.

_____	ATTEST:_____
Henry T. Perea, Council President	Erika Black, Deputy City Clerk